



TERRI PAC

Jeff Jordan
Office of General Counsel
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

ATTN: Alva DeJarnett-Miller
By Overnight Mail
And FAX 202-219-3923

October 14, 2007

Re: MUR 5936

Federal Election Commission:

In response to your letter received October 2, 2007, we offer this initial response and request that the Commission take no action on MUR 5936 – the complaint filed by June Maxam on August 18, 2007.

We request the Commission take no action on this matter because first and foremost the allegations raised by Ms. Maxam are false.

Moreover, Ms. Maxam's charges are generated not by compelling concern for accuracy but instead by an ongoing vendetta against the PAC Chairman, a desire to pursue her own political agenda and make money.

Ms. Maxam runs an on-line "newsletter" which she uses to "investigate" her personal and political enemies. Even before we received notice of MUR 5936 from your office, Ms. Maxam had "published" the following "articles" about the Commission's actions:

Schiavo's TerriPAC Under FEC Inquiry – September 18, 2007

Schiavo's TerriPAC Dissolved In Wake Of Federal Inquiry – September 20, 2007

Conveniently, in each of these postings, Ms. Maxam neglects to report that she herself, not The Commission, triggered the action. Such overblown and misleading writing would not be relevant except that such "articles" no doubt will help Ms. Maxam sell her "book": "The Tangled Web: The Schiavo Case."

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An advertisement for her "book" claims, "June Maxam, publisher of The North Country Gazette, has written and published over 500 articles relating to the legal, judicial, moral and ethical issues of the Terri Schindler Schiavo case."

While we do not dispute the total number of "articles" by Ms. Maxam on this issue, it's obvious she is trying to use The Commission to create the appearance of impropriety in a shameless and cynical attempt to garner new copy and publicity for her book.

Before proceeding, The Commission should also be aware that Ms. Maxam served 80 days in jail for filing a false complaint in New York State. It has also been reported that Ms. Maxam faces additional charges for harassment, hindering police and resisting arrest.

Also important to note is that Ms. Maxam has used similar strategies in the past to gain publicity and political advantage. She has a well-established history of using complaints, legal and political maneuvering and baseless "articles" in her newsletter to harass and antagonize her opponents.

Specifically related to the Schiavo case, Ms. Maxam has personally authored "articles" which make repeated and baseless claims of conspiracy, fraud and retaliation against this PAC, its leadership and a litany of Florida public officials and entities including Florida Governor Charlie Crist, former state Representative and Sheriff Everett Rice (Michael Schiavo's employer), Circuit Judge George Greer (who decided the Schiavo case), former Congressman Jim Davis, Florida Public Defender Bob Dillinger, the St. Petersburg Times, Florida State Attorney Bernie McCabe, attorney George Felos and many others.

In just one example, in a September 5, 2006 "article" written by Ms. Maxam she acknowledges filing a complaint with the Florida Elections Commission against Circuit Judge George Greer. After the Florida Elections Commission dismissed that complaint, Ms. Maxam accused the Commission of a "whitewash" and a "stonewall" and "entering alleged false statements into the record."

Specifically, Ms. Maxam wrote, "the Florida Elections Commission is attempting to whitewash alleged election violations by Greer..." and "the FEC has knowingly and intentionally dismissed a timely filed complaint against the judge...by entering alleged false statements into the record."

Ms. Maxam has even sought personal and professional retaliation against Michael Schiavo by challenging his license to provide medical care as a nurse and questioning the financial dealings of Mr. Schiavo and his family.

If documentation is requested for any of the points regarding Ms. Maxam's previous use of government "investigations" to manufacture malfeasance, we request an extension of time to provide that material. But a simple Internet search of Ms. Maxam's on-line "newsletter" and her history with other political and personal opponents should prove more than enough evidence about her motives.

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Despite Ms. Maxam's public outcry and the filing of complaints of official misconduct, to date, not a single entity at any level has concluded there was any inappropriate or illegal action undertaken by Mr. Michael Schiavo, myself or this PAC. Not even a single finding of probable cause has been issued.

Sadly, MUR 5936 is another attempt by Ms. Maxam to create problems where none exist and waste the limited resources of The Commission. Accordingly, we respectfully request that the Commission not enable Ms. Maxam's self-serving agenda and fishing expedition and decline to proceed on MUR 5936.

Anything short of a clear dismissal of these baseless charges will do damage and provide Ms. Maxam exactly what she seeks – an "investigation" which she can use as the tortured basis for more attacks and baseless complaints.

On the face of Ms. Maxam's newest complaint, she wrote, *"...that the PAC is operating \$9,281.62 in the red and it appears that disbursements have been made to individuals...without funds being available."*

As previously stated, this is untrue.

At no time did the PAC make any expenditure without available funds or operate "in the red." This would have been impossible as no bank will honor any check issued without available funds. Anyone who has ever had a bank account knows this to be true. The litany of payments she alleges were made while the committee was "in the red" therefore are without merit.

As for her alleged late filing of reports, every notice and penalty we have received for late filing has been paid in full and on time. Also, every request for additional information received from The Commission has been answered in a timely manner either by amendment or miscellaneous report.

In her complaint Ms. Maxam also requests information regarding the results of research (polling) done by the PAC as well as content of promotional DVDs produced by the PAC. In this request, Ms. Maxam is fishing for information to which she is not entitled and seeks to enlist The Commission in providing it to her. The results of our polling, for example, are not public record and not subject to her review.

Ms. Maxam further alleges, without even a suggestion of proof, that "disbursements being paid to Derek Newton are simply a conduit to Michael Schiavo" and requests an "audit" of this PAC and the involvement of other federal entities (IRS) to investigate Michael Schiavo.

These baseless accusations lay Ms. Maxam's motives bare. She is not interested in anything beyond controversy and continuing to cause problems for Mr. Schiavo.

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In closing, please note that Ms. Maxam's baseless complaint does not allege anything that impacts the conduct of elections or questions the PAC's interactions with candidates.

At most, Ms. Maxam is alleging clerical errors in reporting.

Please know that, in spite of Ms. Maxam's pattern of filing false complaints, if discrepancies in our financial reports exist, we will be happy to work with The Commission staff to file any required amendments and have already undertaken a review of our filed reports to ensure their accuracy.

Furthermore, if requested, we will be happy to enter into any "conciliation" process you feel may be appropriate to fully and completely cooperate and disclose any needed or otherwise unclear information.

Lastly, once this matter is concluded, please know it is our desire to close TerriPAC and have already officially requested permission to do so. Engaging in the federal election process, while important and rewarding, has also provided a vehicle for baseless but time consuming criticism - such as MUR 5936.

Thank you for your time, attention and thorough review of this matter. Should you have any questions, please contact me.

With regards,



Derek Newton
Director, TerriPAC
For Brian Schiavo, Treasurer
For Michael Schiavo, Chairman

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